

**DETAILED ACTION**

***Response to Amendment***

1. Response to amendment filed 7/21/2009. Claims 1, 15, and 17-18 have been amended. Claims 1, 3-13, 15, and 17-18 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-13, 15, and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son, US PG Pub # 20030061609, hereinafter Son, in view of Lett et al, US Patent # 5592551, hereinafter Lett.

With regard to claim 1, Son discloses:

A device configured to receive an electronic program guide (fig. 3, said electronic program guide comprising:

A channel list of available channels (Fig. 3, Channels 3-10); and

A program list of programs which is displayed concurrently with said channel list in response to selection of a selected channel from said available channels, said

programs being exclusively associated with said selected channel (Fig. 3, user has selected Ch. 10, and the programs are exclusive to channel 10).

a processor for processing said electronic program guide and for causing said device to display said electronic program guide (paragraph [0019], the display is controlled to display the EPG signal, inherently involving a processor); and a controller for controlling said processor to cause said device to display said channel list of said electronic program guide in response to an initial activation of said electronic program guide by said accessing means (fig. 2, item 3 controller; paragraph [0020]; a predetermined selection key is pressed on the controller to display the program list as displayed in figure 3), and wherein said accessing means controls said processor to cause said device to display both said channel list and said program list in response said accessing means accessing said programs list (paragraph [0021], when a channel is selected by the user, the program information is displayed on the screen 4).

Son displays the program guide based on the selected channel, however fails to specifically disclose that only the channel list is shown in response to a first activation of the guide via the control. In an analogous art, Lett describes an apparatus for displaying an electronic program guide. In figure 10, and column 14, line 62 - column 15, line 12, Lett describes displaying a program guide with channels listed only. The channels are selectable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Lett to display program guide which shows channels

only to the system of Son which shows selectable channels which when selected show the programs available on the selected channel. The combined system would show the channel list as disclosed by Lett upon activation of the guide, and then show the channel list and the list of programs as disclosed by Son, with the advantage of making the guide less complex (Lett, column 15, lines 13-14).

With regard to claim 3, Lett further discloses wherein said program list includes times associated with said programs and/or an identifier said identifier including a current time and or said selected channel (Lett, figure 3, times are associated with the programs).

With regard to claim 4, Lett further discloses the EPG comprising an information list which is displayed concurrently with said channel list and said program list, said information list including data associated with said selected program, said data including description, rating and/or repeat indication of said selected program (Lett, figure 3, program info column; paragraph [0019], the EPG includes information that describes the program, corresponding to description).

Claim 15 is the controller for controlling the display of the EPG of claim 1, and is analyzed and rejected accordingly.

Claim 17 is the processor configured to invoke the program guide of claim 1, and is analyzed and rejected accordingly.

Claim 18 is analyzed and rejected accordingly as the method of system claim 1, and is analyzed and rejected accordingly.

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4. Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son, in view of Lett in further view of Ellis, US Patent # 6357043, hereinafter Ellis.

With regard to claim 5, Son in view of Lett fails to disclose wherein said information list is displayed in response to said controller selecting a selected program from said programs or in response to activation of an open switch while a cursor highlights said selected program. In an analogous art Ellis discloses a system for displaying a program guide to a user (abstract). Specifically, Ellis discloses displaying the program information upon selection of a switch (column 18, lines 40-50; Ellis describes, that after selecting a program from the list, the user can press the "i" button (corresponding to an "open switch" on the remote to get more information about the program). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Ellis to the system of Son in view of Lett to display the program information upon activation of a switch, which allows the user to see information only for programs he is interested in to reduce clutter on the guide.

With regard to claim 6, Ellis further discloses wherein said program list includes a reminder switch configured to set reminders for said programs, and/or a theme switch configured to open a theme menu, said theme menu including information categorized by themes for said available channels and/or said selected channel (column 4, lines 10-12; Ellis discloses the ability to set reminders). It would have been obvious to one of ordinary skill in the art at the

time of the invention to further add the feature of Ellis to allow the user to set a reminder for a program as Ellis describes the need to do (Ellis, column 4, lines 10-11).

With regard to claim 7, Ellis further discloses wherein said device further comprises an interface for navigating through said electronic program guide, said interface including at least one of:

an open switch configured to open menus including said program list (column 13, lines 60-65; Ellis discloses depressing a "mode" switch to enter the browse mode of programming listings);

a close switch configured to close menus including said channel list and said program list; and (column 14, lines 53-55; Ellis discloses pressing the "Browse icon key" while in browse mode to exit the mode)

a help switch configured to open a help menu, said help menu including help information related to use of said guide and/or a controller of said program guide (column 12, lines 12-19; Ellis describes a help function). It would have been obvious to one of ordinary skill in the art at the time of the invention to further add the features as taught by Ellis of an open switch, close switch and a help switch to the system of Son in view of Lett to allow the user to easily navigate the guide as described by Ellis.

With regard to claim 8, Ellis further discloses wherein said controller is a remote controller (column 12, lines 12-19; Ellis describes using a remote controller to invoke the help feature, which would enable the user to gain

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information on how to use the controller to navigate the program guide). It would have been obvious to one of ordinary skill in the art at the time of the invention to further add the feature of a remote control as taught by Ellis as it is well-known in the art to use a remote control to allow a user to more comfortably control the TV from a remote location, such as a couch.

With regard to claim 9, Ellis further discloses wherein said accessing means includes a switch to access said electronic program guide, an up switch and a down switch; said up switch and said down switch being configured to respectively scroll a cursor up and down said channel list and/or said program list (column 29, lines 1-4; Ellis discloses the ability to move through the list by pressing the up/down keys on the remote control). It would have been obvious to one of ordinary skill in the art at the time of the invention to further add the feature of Ellis of an up and down switch to scroll through the guide as described by Ellis.

With regard to claim 10, Ellis further discloses wherein said up switch and said down switch are configured to scroll by pages (column 17, lines 39-44; Ellis describes scrolling by pages using the up/down switch on the remote control). It would have been obvious to one of ordinary skill in the art at the time of the invention to further add the feature as taught by Ellis to scroll by pages to allow for faster navigation through the guide as disclosed by Ellis and as known in the art.

With regard to claim 11, Ellis further discloses wherein said up switch and said down switch are configured to respectively move said cursor to a top or a bottom of said channel list and/or said program list and thereafter scroll by pages (column 17, lines 39-44; Ellis describes moving the cursor to the bottom of the screen and then invoking the up/down keys to scroll by pages). It would have been obvious to one of ordinary skill in the art at the time of the invention to further add the feature of Ellis to move the cursor to the top/bottom of the guide and scroll by page to allow for to either scroll individually through a program or to scroll through the guide a page at a time to more quickly navigate to the desired program, as is well-known in the art.

With regard to claim 12, Ellis further discloses wherein said up switch and said down switch are respectively configured to singularly move said cursor up and down entries of said channel list and/or said program list (column 29, lines 1-4; Ellis discloses the ability to move through the list by pressing the up/down keys on the remote control to arrive at a desired channel). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Son in view of Lett to include the ability to scroll singularly through the guide as taught by Ellis as it is a well-known navigation technique.

With regard to claim 13, Ellis further discloses wherein said controller includes a right switch and a left switch configured to move said cursor between said channel list and said program list (column 11, lines Ellis describes the use of right/left arrow keys, that allow the user to browse through a particular channel's

programs; in column 18, lines 19-20, Ellis describes a mode wherein the listings are associated with a particular channel. The user inherently could scroll through the listings in the same way by pressing the down arrow key to move from the channel list to the program list, and using the left/right arrow keys to navigate through the programs/times associated with the selected channel; this feature is also described in Vogel, column 5, lines 29-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Son in view of Lett to include the ability to scroll through the programs from left/right as taught by Ellis as it is a well-known navigation technique.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will



the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig, can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

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